

**DATE ISSUED:** February 24, 2006 **REPORT NO. PC-06-046**

**ATTENTION:** **Planning Commission, Agenda of March 2, 2006**

**SUBJECT:** 5131 34<sup>TH</sup> STREET TENTATIVE MAP – PROJECT NO. 84224  
PROCESS FOUR

**OWNERS:** Israel Furmansky (Attachment 8)

**APPLICANT:** Landmark Engineering Corporation, Engineer

**SUMMARY**

**Issue:** Should the Planning Commission approve a Tentative Map for the conversion of seven (7) existing residential units into condominiums at 5131-5139 34<sup>th</sup> Street, within Central Urbanized Planned District of the Mid-City Communities Plan Area?

**Staff Recommendation:**

1. **Approve** Tentative Map No. 265679and
2. **Approve** waiver to the requirement to underground existing overhead utilities.

**Community Planning Group Recommendation:** The Normal Heights Community Planning Group voted 5-1-1 to recommend approval of the proposed project on January 3, 2006, subject to conditions, as detailed within this report (Attachment 7).

**Environmental Review:** This project is exempt from environmental review pursuant to Article 19, Section 15301(k), Existing Facilities, of the California Environmental Quality Act (CEQA). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on October 12, 2005, and the opportunity to appeal that determination ended October 26, 2005.

**Fiscal Impact Statement:** None with this action. All costs associated with the processing of this project are paid by the applicant.

**Code Enforcement Impact:** None with this action.

**Housing Impact Statement:** With the proposed conversion of seven (7) existing apartments to condominiums, there would be a loss of seven rental units and a gain of seven for-sale units. This condominium conversion project was deemed complete on November 29, 2005, and is therefore subject to the new regulations regarding Inclusionary housing and tenant relocation assistance.

## **BACKGROUND**

The 0.50-acre site is located at 5131-5139 34th Street in the RSI- 7 and OR-1-1 Zones of the Central Urbanized Planned District in the Mid-City Communities Plan area (Attachment 3). The community plan designates the site for Residential uses at 1-5 dwelling units an acre. The site is surrounded by single and multi-family development.

The existing seven unit apartment building was constructed in 1931 with no zoning. The seven existing residential units, consisting of three 2-bedroom units and four 1-bedroom units were therefore allowed on the site at the time they were built. The current zone (RSI-7 ) allows one dwelling unit on each legal lot of at least 5,000 square feet. This particular lot would be allowed a single dwelling unit.

Additionally, the project has five (5) parking spaces in garages that were constructed in 1985, where ten (10) spaces would be required in accordance with today's standards. No parking spaces were required at the time the project was built and the project has previously conforming rights to be maintained as currently configured for both parking and density as outlined in Chapter 12, Article 7, Division 1, and Section 142.0510(d) of the Land Development Code.

The development complied with the zoning and development regulations in effect at the time of construction and no Building or Zoning code violations have been recorded against the property.

## **DISCUSSION**

### **Project Description:**

The project proposes a Tentative Map for the subdivision of a 0.50-acre site to convert seven (7) existing dwelling units into condominiums on one lot (Attachment 5). The applicant is also requesting that the requirement for the undergrounding of existing overhead utilities be waived.

Section 125.0410 of the San Diego Municipal Code (SDMC) requires that a Tentative Map be processed for the subdivision of land. According to SDMC Sections 125.0440 and 125.0444, *Findings for Tentative Maps and for Condominium Conversions*, the decisionmaker may approve a Tentative Map for the purposes of the conversion of residential property into a condominium

project if the decisionmaker finds that the proposed conversion complies with the requirements of the Subdivision Map Act and the San Diego Municipal Code. Staff has reviewed the proposed condominium conversion and determined that it complies with both the Subdivision Map Act and the San Diego Municipal Code.

#### Undergrounding of Existing Utilities

San Diego Municipal Code Section 144.0240 allows the subdivider to apply for a waiver from the requirement to underground the existing overhead utilities within the boundary of the subdivision or within the abutting public rights of way. City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25, *Underground Conversion of Utility Lines at the Developer's Expense*, in that the conversion involves a short span of overhead facility (less than 600 feet in length) and the conversion is a requirement of a condominium conversion of an existing development and the conversion would not represent a logical extension to an underground facility.

The applicant will be required to underground all existing service to the site per Condition No. 14 of the draft Tentative Map resolution (Attachment 6). The applicant would also be required to underground any new service run to any new or proposed structures within the subdivision per Condition No. 13 of the draft Tentative Map resolution (Attachment 6).

The neighborhood currently contains power poles and overhead utilities lines in the 34<sup>th</sup> Street right-of-way. The utility lines to these poles extend to other properties located north and south, as well as east and west within the street. The pole closest to this property, which carries the line serving this site, is located at the northwest corner, adjacent to the property to the west of this site. As indicated above, all utilities serving this property will be required to be undergrounded. The waiver is being requested for the requirement to underground adjacent utilities serving the surrounding properties. The City's Undergrounding Master Plan for Fiscal Year 2006 designates the site within Block 3DD, and the date for undergrounding has been established for the year 2008 (Attachment 10).

#### **Community Planning Group and Neighborhood Recommendations:**

The Normal Height Community Planning Group voted 5-1-1 to recommend approval of the proposed project on January 3, 2006, subject to the following conditions (Attachment 7):

1. *Preservation of historic sidewalk stamps and scoring patterns:* This is an existing requirement of the Municipal Code and has been included in the wording of Condition No. 15 of the Draft Resolution.
2. *Recommends the creation of two additional parking spaces:* The property has been developed to provide five spaces where none are required. The area where the newer garages are located, is insufficient to provide additional legal parking spaces.
3. *Preservation of existing landscaping and addition of parkway trees:* The existing

landscaping is in conformance with the landscape regulations at the time of construction, however any additional off-street parking would eliminate a portion of the existing landscaping.

4. *Enhanced window treatment of rear units*: This is not a condition of the Tentative Map.

### **Project-Related Issues:**

The requested conversion of these residential units to condominiums represents primarily a change in ownership. The applicant has certified that the required 60-day Notices of Intent to Convert to Condominiums were provided to the tenants on October 4, 2005 (Attachment 11).

All condominium conversion projects Deemed Complete on or after February 7, 2004, must conform with the new regulations regarding Inclusionary Housing and tenant relocation benefits adopted by the City Council on March 15, 2004. This proposed project was Deemed Complete on November 29, 2005, and is therefore subject to these new regulations. The project has been conditioned to require the subdivider conform with the City's Inclusionary Housing Ordinance (Chapter 14, Article 2, Division 13 of the Land Development Code) and demonstrate conformance with the Municipal Code provisions for Tenant Relocation Benefits (Chapter 14, Article 4, Division 5) to the satisfaction of the City Manager and the Housing Commission, prior to the recordation of the Final Map.

### **Conclusion:**

Staff has reviewed the request for a Tentative Map for the conversion of seven (7) residential units into condominiums and has found the project to be in conformance with the applicable sections of the San Diego Municipal Code regulating Tentative Maps. Staff believes the requirement findings can be supported and recommends the Planning Commission approve the project as proposed.

### **ALTERNATIVES**

1. **Approve Tentative Map No. 265679with modifications.**
2. **Deny Tentative Map No. 265679if the findings required to approve the project cannot be affirmed.**

**Respectfully submitted,**

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**Jeffrey D. Strohminger**  
**Acting Deputy Director, Customer Support**  
**and Information Division**  
**Development Services Department**

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**Jeannette Temple**  
**Customer Support and**  
**Information Division**  
**Development Services Department**

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Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Tentative Map
6. Draft Map Conditions and Subdivision Resolution
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. Project Chronology
10. City's Undergrounding Master Plan – Map 3DD
11. Copy of 60-Day Notice of Intent to Convert
12. Photos of Existing Front and Rear Elevations